

7:22-cv-00349

June 28, 2022

JULIA C. DUDLEY, CLERK
BY: /s/ T. Taylor
DEPUTY CLERKCLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAY 06 2022

JULIA C. DUDLEY, CLERK
BY: T. Taylor
DEPUTY CLERKIN THE UNITED STATES
EASTERN DISTRICT OF VIRGINIA
COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983Action Number 7:22-cv-00247
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES**A. Plaintiff:**

1. (a) Demmerick E. Brown (b) 1131268
(Name) (Inmate number)
Augusta Corr. ctr.
(c) 1821 Estaline Valley Rd.
(Address)
Craigsville, Va. 24430

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Harold W. Clarke (b) Director
(Name) (Title/Job Description)
(c) VDC 6900 Atmore Dr.
(Address)
Richman, Va. 23225

2. (a) David A. Robinson
(Name)
(b) Chief of Operation
(Title/Job Description)
(c) VDOC 6900 Anmore Dr.
(Address)
Richmond, Va. 23225
3. (a) George M. Hinkle
(Name)
(b) Chief of Sec.
(Title/Job Description)
(c) VDOC 6900 Anmore Drive
(Address)
Richmond, Va. 23225

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [☒] No [☐]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) Demmerick E. Brown

Defendant(s) Karen Brown, Wendy Brown, Harold W. Clarke

Brown v. Robinson

2. Court (if federal court, name the district; if state court, name the county):

United States District Court, Alexandria

3. Date lawsuit filed: Dec 2017 - Oct 1, 2020

4. Docket number: 1:17-cv-00052 - Appeal NO 20-6448

5. Name of Judge to whom case was assigned: Claude M. Hilton
U.S. District Court - Alexandria Division
6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):
Case was dismissed - Appeal was filed, and
granted Counsel was appointed.

III. GRIEVANCE PROCEDURE

- A. At what institution did the events concerning your current complaint take place: NotToway - Red Onion
- B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]
- C. If your answer to "B" is Yes:
1. Did you file a grievance based on this complaint? Yes [☒] No [☐]
 2. If so, where and when: July 13, 2020, NotToway corr ctr.
 3. What was the result? Access to the grievance
process was denied.
 4. Did you appeal? Yes [☒] No [☐]
 5. Result of appeal: denied - it was held the grievance
was untimely filed.
- D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☐] No [☐]
- If your answer is Yes, what steps did you take? I filed complaint
with Harold W. Clark, David A. Robinson, Hinkle
Coensinger.
- E. If your answer is No, explain why you did not submit your complaint to the prison authorities:
- _____
- _____

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

- Claim I. Plaintiff alleges that he was subjected to abuse, arbitrary actions, was cruel and unusual punishment, and equal protection violation. See Attach Claim I.
- Claim II. Plaintiff alleges that he was subjected to retaliation. See Attach II.
- Claim III. Plaintiff alleges he was subjected to cruel and unusual punishment. See Attachment Claim III.
- Claim IV. Plaintiff alleges his right to be free from retaliatory transfer. See Attachment IV.
- Claim V. Plaintiff alleges that he was subjected to false and concocted disciplinary charge in violation of his Due Process Rights. See Attachment V.
- Claim VI. Plaintiff claims that Prison officials engaged in conspiracy filing false disciplinary charge against him to protect themselves violating his Eighth, First, and Fourteenth Amendments. See Attachment VI.
- Claim VII. Plaintiff claims deprivation of Property in violation of his Due Process Rights and Procedural Due Process Rights.
- Claim VIII. Plaintiff claims that Prison officials acted deliberate indifference to his serious medical needs. See Attachment VIII.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. DEB (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ see attachment
- ☒ Grant injunctive relief by see attachment
- ☒ Other see attachment styles Conclusion

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Augusta Correctional Center,
1821 Establine Valley Rd
Craigsville, Va. 24430

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [☐]. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this April day of 27, 20 22.

Plaintiff Prone, E. Demun

Continue Names of Defendants.

Mark Amorette, Chief Physician,
Christopher J. Censinger, Central Classification
Manager,

D. Cell, Warden

W. Jarrett, Ass't. Warden

S. J. Cribberson, Unit Manager,

A. Jackson, Grievance Coordinator

Karen Stapleton, Disciplinary Unit Manager,

L. A. Mullins, Disciplinary Hearing etc.

B. Farmer - John Doe, fusion gears, 5, 1

Defendants.

Dennewick & Brown 1131262
Augusta Corr. Ctr. D2-22
1821 Establine Valley Road
Craigsville, Va. 24430

Lee Don. Clerk

United States District Court

210 Franklin, S.W. Suit 540

Roanoke, Virginia 24011-2208

THE DEPARTMENT OF CORRECTIONS HAS
NEITHER CENSORED NOR INSPECTED THIS
ITEM AND ASSUMES NO RESPONSIBILITY
FOR ITS CONTENT



US POSTAGE  PITNEY BOWES
ZIP 24430 \$ 009.25⁰
02 4W
0000375357 MAY 02 2022

Factual Back Ground

- ① It is Aphoristic, however, that Mottoway Correctional Center, is a two story concrete structure. All of the inmates housing area doesn't have Air Condition.^② Staff working locations are Air Conditioned.^③ The Housing Units does not have adequate Ventilation system that provide fresh air. Only hot air and/or heat blow 24-7 year round.
- ④ During The Summer The Concrete structure absorb the blazing heat creating cruel conditions that is unbearable, especially for the elderly and those with life threatening conditions.
- ⑤ Approx 230 a.m In The Morning of June 28, 2020, The power went out - power outage. Only the inmates was affected
- ⑥ LT. Ortiz, who was the Watch Commander LT. Ortiz authorized the inmates to sit in the pod.

Back ~~to~~ Grains

LT. Ortiz Instructed Ofc. Thomas, who was the acting building Sgt. to connect the wall fans in the Pod to the Officer Control booth, and to fill up the Ice coolers. And he will call the Kitchen to have them to send to the Pods ice water bags.

7). LT. Ortiz advises the inmates that he cannot leave the cell doors open because of security and safety reasons.

8). Sgt. Thomas calls the Pod workers. Out into the hallway to the Ice Machine. to fill up the Ice Coolers.

9) Asst. Warden, W. Sarrett. arrives in the hallway of the building. He immediately Orders the inmates to go back to their Pod, to take the coolers with them. There will be no ice given out. The Asst. Warden Instructed Sgt. Thomas lock the Ice machine, no ice

①

~~Back to the Pod~~ (ok)

Is to be given out to the inmates.
The inmates return to the Pod
and informed everyone that the Asst.
Warden instructed Sgt. Thomas to
lock the Ice Machine and not to
give inmates any Ice.

10). L.T. Ortiz in the Control booth
talking to the inmates assuring them
that they will be allowed to come
out into the Pod Area to showers
use the phone or to sit. L.T. Ortiz
advised the inmates that he cannot
leave the cell doors open because
leaving the cell doors open poses
a security breach and safety issue.
But he assured the inmates he
will make sure he have Ice
brought in and Ice water bags.

11). L.T. Ortiz was not aware
that Asst. Warden W. Jarrett had
ordered the Ice workers to go back
into the Pod with the coolers, and

Back ~~at the~~ Courts

Instructed Sgt. Thomas not to give out any Ice to inmates.

The inmate for workers approached the Control booth Angry expressing Their profound disagreement with the Asst. Warden's deliberately ignoring the Inhuman conditions, Their health and safety, Insensitivity, and nasty and bias Attitude.

12). The Asst. Warden Immediately responded Cutting off the wall fans and telling the inmates to get in their cell now. Because of the Asst. Warden's flagrant defiance of discretion, and despotic Attitude talking to the inmates in such nasty, rude, and disrespectful Manner, hollering and yelling at them like They are stupid, dumb, ignorant or dogs. It provokes the inmates not to go in the cells, And

Back ~~Chains~~, Chains

While Lt. Ortiz trying to calm the situation the Ass't. warden do continue to provoke the inmates and the inmates barking back calling the Ass't. warden a racist, coward, and tyrant. Lt. Ortiz elites the control booth into the hallway. Lt. Ortiz called me to the side door and asked me to assist him calming things down before the situation gets ugly. Lt. Ortiz asked me to talk to the inmates and give them the pros and the cons, and the evil to avoid.

13). As I spoke to the inmates sharing with them my experiences while in prison caught up in riots and demonstrations, the consequences suffered for not thinking.

The Ass't. warden W. Jarrett called me to report to the control booth. The Ass't. warden instructed me to deliver his messages to

Back ~~at the~~ Grounds

The inmates suffice it to say that I am caught between the Asst. warden and gang members, and five percenters. The Asst. warden wants me to deliver his message, but did not want me to deliver to him the inmates responses. I immediately advised L.T. Ortiz that I am not going to get myself caught in the cross fire with the Asst. warden and that I am going in my cell. I immediately went to my cell. The Asst. warden has instructed the control booth officer not to open no cell doors. so I sit down beside my cell door until the L.T. told the booth officer to open my cell to let me in. I remained in my cell.

Back ~~at~~ Grounds

14). Approximately 10:45 a.m. The Chief of Security, A. Ward and Lt. Whitehead entered D2 and asked those inmates that was in the Pods are they going in their cell this. They performed a security check. I was in my cell D2-43B.

15). Approximately 11:10 a.m. Warden D. Call and Lt. Ortiz entered the Pods, and instructed the inmates to return to their cells. The inmates refused telling the warden they are not going in the cell's because of the Asst. Warden W. Jarrett Disrespect. The warden advised the inmates he promised to cut the wall fans on and fill the coolers with ice, and he will call the kitchen to have them bring ice water bags. But they have to go in the cells for the 11:30 count. The inmate refused. I was in my cell and in the cell during the 11:30 a.m. count.

Back ~~at the~~ Grounds

16). Approximately 1:00 p.m. The security strike force approaches my cell, and orders that I come to the cell door. I was handcuffed and escorted outside along with 21 other inmates to be searched and taken to a waiting bus.

17). As I was being brought out of the building the chief of security said, I know Brown was not involved, he was not in the 102 when we was LT. Whitehead went into the 102. Brown was in his cell."

18). LT. Ortiz walks out of the building. I asked LT. Ortiz to tell the chief of security I was not involved. LT. Ortiz advises the chief of security that I was not involved and that he asked Brown to assist him.

19). Chief of Security advises me to go get on the bus without any problem. She will take care of the rest.

(P)

Continue From Claim I.

I bring this claim against Harold W. Clarke, Director, David A. Robinson, Chief of Operation, George M. Hinkle, Chief Regional Administrator, Mark Amoretti, Chief Physician, and Christopher J. Gensinger, Chief Classification Manager. These prison Officials subjected me abuse, arbitrary and capricious treatment in violation of my due process rights; subjected me to cruel and unusual punishment under the Eighth Amendment; subjected me to retaliation in violation of my first Amendment right, and acted deliberate indifference to my serious medical condition and needs.

① On June 30, 2020, because of my medical condition, it steered me to promptly notify each of these prison officials rehearsing a parade of indignities visited upon me. The impetus for emergency administrative transfer to a high restrict security Supermax state prison, and put in punitive isolation.

①

Continue From claim I.

② Plaintiff Vigorously Insist That These prison officials Investigate The June 28, 2020, Group Demonstration, and The Administrative Investigative Reports filed by S. Gilberson, D. Call, and W. Jarrett.

③ I provide These prison officials Sufficient Objective, Articulate Facts Names of Staff witness who refutes W. Jarrett and D. Call, and S. Gilberson Accusation. Moreover, provided evidence That D. Call, W. Jarrett, and S. Gilberson acted in bad faith, Vexatiously, Wantonly or for Oppressive reasons, as well as for willful abuse of administrative process

④ Butress it Conclusion On June 28, 2020, Warsaw D. Call advised The Chief Regional Administrator George M. Hinkle That when he and Lt. Ortiz enter The Pod D2 he instructed The inmates to go in Their cell. Prison refuses to go in his cell. He advises The inmates That They must be in Their cell for The 11:30 a.m. count, Prison refuses to go in his cell for count.

Continue from claim I.

- ③ Asst. Warden W. Sarrett advised the Chief Regional Administrator that I was involved in the group demonstration and encouraged others to participate,
- ④ and On June 30, 2020, S. Gilberson, brought disciplinary charges accusing me of participating in a group demonstration and encouraging others to participate. She claimed that I refused to go into my cell per Order of the Asst. Warden and Warden.

Suffice it to say that S. Gilberson was not on the Sunday morning of June 28, 2020, at the prison.

- ⑤ More fundamentally, L.T. Ortiz advised the Chief of Security that I was not involved and that he was the Asst. Warden W. Sarrett asked D. Brown the Asst. in encouraging the inmates to go to their cell.

Continue From claim I.

⑧ The principal contention of the plaintiff is that these prison officials failed to investigate and protecting him against arbitrary abuse and actions. and subjected him to cruel and unusual punishment, retaliation and deprivation of a fundamental liberty interest.

⑨ It seems most accurate to say that these prison officials deliberately ignored D. call, W. Jarrett, and S. Colberson aberrant behavior.

⑩ These prison officials knew, or and disregarded an excessive risk to my life, health, and safety. These prison officials knew that my life, health, and safety in danger when George M. Hinkle and Christopher J. Censinger authorized the assignment to Red Onion knowing it was a remote location I should not be confined in.

Continue from claim I.

- ⑪ Plaintiff, a 63 yrs old inmate suffered a deadly rare heart disease that has resulted in 4 Open heart surgeries, 2 Implanted Mechanical heart Valves, a IACD Defibrillator/pacer. Plaintiff has Chronic Lung disease.

It is a fact that plaintiff are not to be confined in a remote area absent of a major hospital with a trauma unit within reasonable distance from a prison.

Plaintiff was transferred far western Region of Virginia, in a remote Area where there is no hospital within a reasonable distance nevertheless, a rescue ambulance emergency service.

- ⑫ Though a prison official has no Substantial Constitutional duty to respond to grievance, he or she does have a duty to prevent and remedy Constitutional violations within his or her supervise and control. These prison officials failed to investigate.

Claim II.

1). Retaliation

This action brought against A. Jackson, Institutional Grievance Coordinator, W. Jarrett, Asst. Warden, D. Call, Warden, and Christopher J. Coensinger, Chief Classification Manager. Alleging that they retaliated against me for exercising my right to file a legitimate grievances and to pursue litigation in courts.

2). On or about July 13, 2020, I filed a second grievance Complaint against Asst. Warden W. Jarrett, and D. Call, Warden Grievance No. ROST-20-INF 01543 Challenging the false and concocted Allegation accusing me of participating in a group Demonstration

Claim ~~VI~~ I.

that resulted in a retaliatory transfer to Red Onion high restrict security Supermax State Prison, and punitive assignment. The grievance was rejected by defendant A. Jackson, the grievance coordinator arbitrarily claiming that I used the wrong grievance form. 3). On August 5, 2020, I resubmitted the grievance Complaint. and defendant A. Jackson assigned the grievance to defendant W. Sarrett to investigate and respond within 15 days. Defendant W. Sarrett does not respond to the grievance At. All.

4) On or about September 13, 2020 I proceeded to the next grievance level. The grievance Coordinator returned the grievance to me advising me that I must attach the Internal Complaint to the regular grievance Complaint as
 ②

From claim ~~VII~~

to resubmit the grievance for process.

5). On October 6, 2020, defendant rejected the regular grievance. She arbitrarily ruled that the grievance untimely filed and/or expired.

Immediately I filed a complaint against defendant A. Jackson with her Supervisor T. Harvey. Alleges that Ms. A. Jackson engaged in a civil conspiracy to block my access to the grievance procedure in an attempt to protect defendant D. Call warden, and W. Jarrett, Asst. warden. I pointed to Mr. Harvey the erroneous errors. He upheld defendant A. Jackson ruling despite plain view errors.

Claim **VI.**

b). As "a collective, and retaliatory measure, to avoid having to respond to any of my grievances against Asst. warden W. Serrett and D. Call, warden, is not to respond, prolong the processing of the grievance, and to alter and damage, or destroy documents involved in grievance complaint. As part of this scheme "Nefarious scheme," first, the retaliation took the form of (a) obstructing my access to the grievance procedure, (b) All of a sudden prison officials stock pile my institution prison record with concocted false security report classifying me a menace to the prison administration, security, and day-to-day orderly and safe operation;

(4)

Claim **VI**

(c). Poor Institutional adjustment,
 (d). poor Disciplinary behavior was Conducted
 (e). Unfavorable staff reports, (f). lack
 of participation in rehabilitation
 programmes, (g). On or about Sept.
 9, 2020 prison officials held a
 administrative Classification hearing
 prison officials recommended that I
 transfer to security level two
 Correctional Center, Defendant
 Christopher J. Gensinger disapproved
 and ordered a H-6 override to
 remain at a security level Three
 Correctional Center, based on the
 Poor Institutional reports. I remained
 confined in a high security prison in
 punitive status for approximate 7 months.
 h), On or about September 19, 2020,
 I was interviewed for Discretionary
 Parole.

Claim **VI.**

Never at no time prior to the classification hearing and parole hearing I was advised of the poor Institutional Reports. During the parole hearing, the interviewer never made any mention of the Institutional Reports or staff reports. Out or bout November 2020, I was denied parole based on those false reports.

Suffice it to say that the Defendant A. Jackson and Censinger "Obstinately refused to return to me documentary evidence attached to the grievances. More fundamentally, Their novel Attempt to vitiate a valid claim's

7). It is aphoristic, however, that on June 28, 2020, I was disciplinary infraction free, CCA class level I 30/30, security level 2, security point score 7-9 satisfactory institutional adjustment, satisfactory

(6)

Claim III.

Cruel And Unusual punishment

" Suffice it to say that Red Onion " Supermax" state prison is maximum-security state penitentiary with highly restrictive conditions that were designed to segregate the most dangerous prisoners from the general prison system populations. Almost every aspect of an prisoners life is controlled and monitored. Moreover, prisoners who were otherwise eligible for parole are denied parole while incarcerated at (ROSP.)

① Plaintiff Classification status did not suffice the requirements being incarcerated at Red Onion Supermax. Nevertheless put into the general population.

② It is aphoristic, however, that Prison Security, Imperiled by the brutal reality of prison gangs,

Claim III

Chandestine, Organized, fueled by race-based hostility, and committed to fear and violence as a means of disciplining their own members and their rivals, gangs seek nothing less than to control and to extend their power throughout the entire prison system, and those prison gang members serving 20-life under Virginia NO parole law, and 85% law, the deterrent effects of ordinary criminal punishment serves no real purpose. These individuals are responsible for the criminal enterprise and violence

③ The prison is infested with racism among prison staff and prisoners, Drugs violence, stabbing, rape, stealing, robbery extortion, prostitution, and fraud. Nevertheless, sexual assault. The conditions regarded as atrocious, and utterly intolerable ②, I suffered mental

anguish, emotional distress, ^{Claim} ~~III~~ I was
 of fear, sleeplessness, and nervousness
 that resulted in a physical mental
 and emotional injury. Unable to Concentrate.

17). On August 3, 2020, plaintiff
 states that prison officials knowingly
 and reckless disregarded my life, liberty,
 health, and safety when prison officials
 arbitrarily put me in general population
 in a cell with a inmate that is
 mentally and emotionally troubled, One
 who is potentially dangerous. Has no
 respect for authority, psychologically
 destructive. Has no concern for life
 liberty or property. He's racist, full
 of hate. He has a disciplinary record
 that reveals a cavalcade of Misconduct
 including episodes of violence, inciting
 racial riot, arson, Assault against
 prison guards. This is not the
 emblematic of inmate who is likely
 either to inspire prison officials

Claim III

to act favorable on his behalf.

I had to be removed from the cell due to verbal and physical confrontation.

B). On or about September - October 2020, prison officials put me in dangerous when they again put me in a cell with a off the wall nut who is serving two life sentences for murder, plus 14 yrs for assaulting his cell-mate. This inmate has a history of violence and prison officials knew this inmate cannot get along with cell-mates. He's ineligible for parole, ineligible to earn good time credit, high security points, high security classification, and his Institutional Disciplinary record extremely concerning. He do not care at all about nothing, and nobody. His escape from reality the use of drugs and alcohol.

Claim III

The security LT and warden were making security rounds, and heard the verbal confrontation whereas my cell-mate threatened me. I was immediately removed from the cell.

The warden wanted to know why was I even put in the cell considering the circumstances.

6.) While in the prison population unit A6, I experienced verbal and physical altercations with gang members defeating against Efforton, stealing, taking or robbery of my personal property, being bullied or a victim.

7.) Deprived of Rights that are fundamental to liberty.

8.) On or about August 23, 2020, Disciplinary Investigation made it pellucid that I was not involved

Claim III

In the June 28, 2020, group Demonstration and that I was requested by the Watch Commander to Assist him getting the inmates to go in their cells. It was also clear that Asst. Warden W. Jarrett Instructed me to assist him.

9.) Prison Officials At Red Onion Immediately notified defendant Gensinger and advised him to immediately remove me from Red Onion and transfer me back to the Gensinger Correctional Center, Nottoway. Defendant Christopher J. Gensinger disapproves, and arbitrarily and discriminatorily continued high restrictive and punitive confinement for approximate 8 more months.

With knowledge of a significant risk of harm or serious injury.

He acted deliberately Indifference to his medical needs as well.

(b)

Claim IV.

Plaintiff brings this action against Harold W. Clarke, Director, David A. Robinson, Chief of Operation, George W. Hinkle, Chief Regional Administrator, Christopher J. Gensinger, Chief Classification Manager. Alleging that these defendants violated his Equal protection Rights.

These defendants "had Unwittingly Allowed themselves to become goaded into participating in a civil Conspiracy to violate my Constitutional right under the Equal protection Clause of the fourteenth Amendment. triggering the Violation of my first and Eighth Amendment Right to be free from retaliatory transfer and the Right to be free from Cruel and Unusual punishment.

Harold W. Clarke, David A. Robinson, George W. Hinkle, Christopher J. Gensinger, and

Continue From Claim IV.

D. Call, W. Jarrett, and S. Gilberson. each played some role in the retaliatory and/or arbitrary transfer from a lower security level to high restrict supermax security level.

1) Suffice it to note primarily for the record the very same accusation made against me had also made against 21 other inmates.

2) The morning of June 28, 2020, Defendant George M. Hinkle, Chief Regional Administrator was called to Nottingham Correctional Center, by Warden D. Call, Chief of security and Chief of Housing was also called in response to a Group Demonstration.

3). In my presence Warden D. Call and Asst. Warden W. Jarrett did reported to Defendant Hinkle that I participated in and encouraged others to participate in the Group Demonstration.

Continue From Chain IV.

4). Warden D. Call told the Chief Administrator "When we are at Ft. Ortiz, entered the Housing Unit to talk with the inmates inmate D. Brown 1131268 was in the Pod, when I instructed Brown and the others to go in their cell, Brown refuses to go in his cell. I advises All of the inmates that they must be in their cell for the 11:30 a.m. Count. Brown was in the Pod.

5). Asst. Warden W. Jarrett advises the Chief Administrator that I have involved in the demonstration and encourages others to participate in the Demonstration. I instructed Brown to go in his cell and he refuses.

6). Defendant George M. Hinkle Order an Emergency Administrative transfer to Red Onion, a high restrict

Continue From claim IV.

Security (Aepunaf) state prison. All 22 inmates were put in punitive isolation.

7). Two inmates assigned to D2-38 were in their cell asleep the entire time during the event (Demonstration). They too were put on the bus and sent to Red Onion.

8). Both of these inmates were represented by attorneys. The Security Surveillance Camera refuted defendant Warden D. Cole, Asst. Warden, W. Jarrett, and S. Gilberson accusation made against both inmates. Per Order of Harold W. Clarke, and David A. Robinson, Defendant Censinger immediately returned both inmates back to Nottingham Correctional Center, from which they were transferred from.

9). Unfortunated I was not represented by an attorney, but did file letter complaints requesting

Continue From Claim IV.

an investigation. These defendants denied that request, and as the result I was kept in such high restricted security prison for punitive confinement.

10). On or about August 23, 2020, administrative investigation report made clear that I was not involved in the Conceal Demonstration nor encouraged others to participate. I was in my cell when warden D. Call and Lt. Ortiz entered the P.O., I was in my cell when the Chief of Security, and Lt. Whitehead entered the P.O., and was in my cell during the 11:30 A.M. court.

11) Lt. Ortiz Statement, "I asked D. Brown 1131268 to assist me to calm the situation and the Asst. Warden J. J. J. instructed D. Brown to assist him as well.

Continue From claim IV.

12) The security surveillance camera clearly show that I was in my cell relating defendant D. Cell, W. Jurett, and Sharon C. Ibersen allegation and charge.

Red Orion Prison Administrator's contacted defendant Censing, and informed him that the charge against D. Brown 1131268 was dismissed and to immediately transfer me back to my assigned institution. Defendant Censing denied the request, and kept me at Red Orion for 10 1/2 months.

But because the two other inmates was represented by attorney they was immediately returned to Mottoway. Not me.

(6)

Continue From claim IV.

1) On the morning of August 8, 2020, Approx 7:54 a.m. I exited my cell and walked directly to the Barber Shop chair and sat in the chair to have a facial shave and haircut. The inmate Barber instructed me to remove my face mask.

2) Defendant D.R. Branham sitting in the guard office which is located directly in front of the Barber Shop. He was accompanied by another guard. They talking and observing the 101. Never prior to or thereafter defendant D.R. Branham advises me to put my face mask back on or I must have on the face during Barber service.

4) On August 9, 2020, Sgt. Jones serves upon me a disciplinary charge filed by defendant D.R. Branham accusing me of failure to follow 101 Institutional Rules, not wearing a mask.

5) Sgt. Jones read the charge and read me my rights.

a) I requested to have witnesses,

b) I requested documentary evidence



Continue from Claim No. 30.

- c) I requested Cross Examination form,
- d) requested audio evidence.

Suffice it to note Sgt. Jones did not provide me with any of the necessary forms, but he assured me that he will instruct the floor officer to bring me the forms. The floor officer informed me none of the forms available in the office.

6). On August 10, 11, and 12th, 2020 I submitted Inmate Request forms to the defendant L.A. Mullins, Disciplinary hearing. Ofc. and explained to him the necessary forms needed are not available in the Nursing Unit and requested to him to meet to see the necessary forms. Defendant L.A. Mullins did not at all respond.

7). On August 13, 2020, I submitted my Inmate Request form to the Warden, Asst. Warden, Chief of Nursing, Warden's Secretary, Chief of Security, and Unit Manager

Continue from claim IV

and explained the situation, and that the Disciplinary Hearing officer failed to respond. None of these individuals intervened.

8). On August 26, 2020, I was brought before the Disciplinary Hearing Officer, L.A. Mullins. Immediately I requested that the hearing be postponed. And explained the reasons for the postponement. The Hearing Officer denies my request and denies that he never receives any inmate request from me. The hearing officer proceeded with the hearing despite my right to call witness, present evidence in my favor, the right to cross examine the accuser, and to have audio security surveillance camera evidence

9). I pleaded Not guilty to charges. I made it pellucid that I was not participating in no recreational activities in the prison and that I was in the Barber shop chair getting a shave and

Continue from claim No.

hair cut. I advised the Hearing etc. that I had recently arrived at the prison, and was not aware that face guards had to be on face during barber service, and no one ever advises me of this rule.

10) Defendant L.A. Mullins' findings are guilty based on the reporting etc. written report.

11). There were no evidence presented at the hearing to support the fact-finding according to DOP 861.1 IV. section C number 12 the security camera proves without doubt I was not participating in any in for rec activities, but sitting in the barber chair.

12). The Hearing etc. acts bias when he intentionally ignores the fact the testimony dispute the offense report and he failed to question the dispute see DOP 861.1 XI section C number 4.

Continue From Claim ~~12~~

also see DOP. 861.1 IV. section c number 5, 6, 13 and 13(a) and 13(b) The Disciplinary did not enter into the record the Alleged Memo that he Outright lies and said the memo Made clear face guards must be worn at all times regardless of parber service being performed. Moreover, documentary evidence Made clear that the Alleged memo that he speaks of issued to the general population, I was not assigned at the prison at the time the memo was issued to the inmates.

13). I was found guilty and fined \$15.00 penalty, and loss all incentives. And denied parole.

14). I ~~Noted~~ an Appeal.

15). Defendant L.A. Mullins denied me an Appeal by virtually denies me a Appeal package. see DOP. 861.1

Continue From claim ~~IV~~.

XVIII. The defendant L.A. Mullins did not provide me Appeal package for 4-5 months thereafter the hearing despite writing to him and the entire form administrators complaining that the Disciplinary Hearing Office refuses to provide me Appeal package. See DCA 861.1 Section XVII.

16). April 15, 2020, I filed a letter complaint with the Chief of Operation David A. Robinson in effort to remedy myriad violations of substantial and procedural Due Process Rights during the entire Disciplinary process of service, Disciplinary hearing, and denial of our Appeal.

17). On May 12, 2021, defendant Karen Stapleton, Disciplinary Unit Manager responded. She arbitrarily claimed that on 9/4/20 defendant L.A. Mullins

Continue From claim IV.

attorres me every Opportunity to Appeal. Appeal package was presented to you and you refused to sign the Certificate of service form see DOT 861.1 section XVII (B) The record indicated no Appeal was filed Therefore, the time to file an Appeal has expired.

18). I Immediately responded to defendant Karea Stapleton letter request, and advised her that Her Disciplinary Hearing Officer L.A. Mullins Outright lies to her and acted in bad faith,

vexatiously, wantonly, or for Oppressive reason, as well as for willful abuse of authority and administrative Disciplinary process.

More fundamentally, Mullins never attempt to validate a valid claim that he altered and falsifies the record, and Outright lies to protect himself.

Continue from claim No.

From the Allegations made against him. I pointed out to Defendant Stapleton that 1) Appeal package was never presented to me 2) I never did refuse to sign the Certificate of Service, 3) There is not a staff witness to verify that I refused to sign the Certificate of Service, 4) DoJ. 861. Directive prohibit any disciplinary action to be had thereafter Normal Operation hours.

5) The Service Office claimed that he presented the Appeal package at 1:00 clock a.m in the morning. Defendant Karen Stapleton did not respond.

19) On May 15, 2021, I promptly written a letter complaint to defendant Harold W. Clarke seeking an investigation into defendant L.A. Mullins and Karen Stapleton engaged in a conspiracy to deprive me of my Constitutional Rights.

Continue From claim No.

And that defendant Mullins "Apocryphal and specious" Misrepresentations of the facts to defendant Karen Stapleton, and that she had unwittingly Allowed herself to become goaded into participating in a civil Conspiracy to obstruct Justice.

I advised Mr. Clarke that defendant L.A. Mullins Altered the records and falsified documents, Thereafter, I had filed a complaint against him. And that Ms. Stapleton sent to me the Original document that clearly proves that the document was Altered, falsified, and manufactured.

Mr. Zachary Davis responds. In an attempt to settle the dispute by sending me appeal package. I proceed with the Appeal, defendant Karen Stapleton Intervenes and blocks my Appeal. being filed.

Continue From Claim VI.

① Plaintiff brings this action against these prison officials, D. Call, warden, W. Jarrett, Asst. warden, and S. Gilberson, Unit Manager, Alleging that these individual together initiated a conspiracy to justify retaliating transfer and to protect their wrongdoings by virtually filing administrative disciplinary and incidental investigative report accusing me of participating in and encouraging others to participate in a group demonstration knowingly with knowledge of its falsity or reckless disregard for the truth. I was accused to return to my upm Order by warden D. Call and W. Jarrett, I was accused of refusing to go in my cell for the 11:30 a.m. account.

Continue from claim
VI.

2) Suffice it to note primarily for the records. On day of the demonstration June 28, 2020, defendant J. Gilberson was not at no time present at the institution, but she files the Disciplinary Charge's and administrative investigative reports as a collective, and retaliatory measure, to justify the emergency administrative transfer to a high restrictive security Supermax prison, punitive confinement, and to cover-up defendant W. Varrett conduct that provoked the demonstration, and to cover up the concocted false reports he was the master written.

Continue from claim
VI.

3). Gilberson "apocryphal and specious misrepresentations to high ranking prison officials" clearly proves that she has unwittingly allowed herself to become goaded into participating in a Administrative Conspiracy to deprive me of my rights accosted by warden D. Call and w. Jarrett. Again, defendant S. Gilberson was not present at the institution during the demonstration, she know nothing at all about the situation, yet accuses me of being involved.

4) An Administrative Disciplinary Investigation reveals that warden D. Call and w. Jarrett lies about the entire event withheld pertinent information that proves I have not involved in the demonstration.

Continue From Claim VII.

This claim arises as the result of deprivation of personal property absent of Due Process. A. Jackson, Institutional Grievance Coordinator for Nottoway Corr. Ctr. On June 28, 2020, security strike force removed me out of my cell in handcuff and put me on a bus and transferred me to Red Onion Supermax prison, and put me in restrict punitive isolation. All of my personal property was left in the cell.

On August 7, 2020, I resubmitted my Informal grievance Complaint No. NCC-20-INF-02609. On 8/19/2020, the Informal Complaint was responded to. On Sept. 3, 2020, I proceed to file a regular grievance. On 9/17/2020, Ms. A. Jackson refused to process my grievance stating that I must provide her office with a lost and missing property report.

Under VDOC OP 802. States "within 7 days of the receipt of notice to file a grievance." VDOC OP 866.1 states "I have 15 days to file a grievance

Continue From claim VII.

My property was not lost or missing
All of my property was Confined and
secured in My Cell D2-48.

defendant A Jackson novel Attempt
to Validate a Valid claim by Virtually
given me 5 days to resubmit My grievance
with the property lost or missing form
Attaches. Mottoway Correctional Center,
did not respond to the lost-missing
property form within the 5 day period
and could not respond when
calculating the date which Ms. A.
Jackson responded to the Internal
Complaint, the date when I received
her response, and the date I
resubmitted the grievance.

Ms. A Jackson took unfair
advantage of the grievance process
the way she as she did destroying
my documents filed against the
Warden and Asst. Warden.

Continue From Claim
VIII.

Plaintiff brings this action against Harold W. Clarke, Director, David A. Robinson, Chief of Operation, Mark Amoretti, Chief Physician and Christopher J. Christopher Censing, Chief Classification Manager.

1). These prison officials actes deliberate Indifference to my serious Medical Needs and Condition. In Violation of my Eighth Amendment Right.

2). Plaintiff a 63 yrs. old prisoner born with a rare deadly heart disease Rheumatic fever. I have had 4 Open heart surgeries, have two (2) Mechanical heart Valves, and a ICDs/pacer.

3). It is well documented in my prison Medical records that advise against incarcerating me in remote location absent of a major hospital with a trauma unit within reasonable

Continue from claim
VIII.

distance to and from the prison,
and shall be confined in a prison that
has 24-7 Medical Supervision, Medical
Staff capable of responding to Cardiac
Emergency, and equip with the necessary
Medical equipment to respond to Medical
Emergency related to Valve or ICDs
Issues.

4) Upon arrival at Red Onion
State prison. The physician met with me
and she performed a physical
examination, ordered a EKG and Lab
test. Suffice it to say the Prison Medical
Dept. doesn't have Echocardiogram,
Electrophysiology or ICDs Equipment
to interrogate the Valves and Defibrillator
and paces.

5) There is no Medical Staff after
5 o'clock p.m. That are trained,
educated, knowledgeable, skilled, or
experienced in the area of

Continue from claim

VIII.

Cardiologist or Electrophysiology
to respond to an emergency. Nor is there
a hospital within reasonable distance
nevertheless, a hospital with a trauma
unit or rescue squad, nearby.

4) The physician made it pellucid that
the being in such remote area poses a
substantial risk of harm or serious
injury. She advised me she's going to
consult with Richman and recommends
that I be immediately transferred.

5) The defendants disapproves the
physician's recommendation, which constitutes
reckless disregard for, and deliberate
indifference to my medical needs.

Continue From v. Relief

1) Plaintiff seek from Harold W. Clarke in his official capacity punitive damages in the amount 1.2 million dollars, compensatory damages \$975,000 thousand dollars,

2) Plaintiff seek from David A. Robinson in his official capacity 1.2 million dollars and compensatory damages \$975,000 thousand dollars.

3) Plaintiff seek from George M. Hinkle, in his official capacity 2.5 million dollars and compensatory damages 1.1 million dollars,

4) Plaintiff seek from D. Call in his official capacity 3.5 million dollars in punitive damages, 3.1 million dollars in compensatory damages,

a) in his individual personal capacity plaintiff see 1.5 million dollars in punitive damages and 1 million dollars in compensatory damages

5) Plaintiff seek from W. Jarrett in his official capacity 3.5 million dollars in punitive damages, 3.1 million dollars in compensatory damages,

Continue From V. Relief

6). Plaintiff seek from Mark Amone, in his official capacity, \$125,000 in punitive damages, and \$110,000 in compensatory damages;

7). Plaintiff seek from Christopher J. Gensinger 3.5 million dollars in punitive damage and 1.5 million dollars in compensatory damages in his official and individual personal capacity

8). Plaintiff seek from A. Jackson, in her official capacity, 2.5 million dollars in damages, and 1.5 million dollars in compensatory damages

9). In her individual personal capacity plaintiff seek \$975,000 punitive damages, and \$625,000 in compensatory damages.

10). Plaintiff seek from L.A. Mullins, B. Fram, Sgt. and Karen Stapleton in their individual and official capacity, \$650,000 dollars in punitive dollars and 350,000

Continue From V. Relief

In Compensatory Damages.

11) plaintiff seeks Injunctive relief Compel the defendant Harold W. Clarke, David A. Robinson, George M. Hinkle, and Christopher J. Censinger to Expung from his Institution record the Disciplinary Report, and Expung from his record All of the Administrative, Disciplinary, Incidental report, and Investigative report file in his records that was used against plaintiff in September 2020 Classification and Parole hearing.

12) Compel the defendant L.A. Mullins to reimburse him \$15.00 in fine's with interest

13. Plaintiff seek declaratory judgement

14). Plaintiff seek from S. G. Liberson punitive damage and compensatory damages in the amount of \$750,00 in her official and individual personal capacity.